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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,546	12/02/2004	Han Leng Paxton Tan	SG 020011	5711
65913	7590	11/06/2007		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HU, RUI MENG	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			11/06/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

## Office Action Summary

Application No.

10/516,546

Applicant(s)

TAN, HAN LENG PAXTON

Examiner

RuiMeng Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's Appeal Brief together with arguments filed on 07/23/2007 have been fully considered and are persuasive. Therefore, the final rejection mailed on 02/09/2007 has been withdrawn. However, the present Office Action is still made final in view of Applicant's amendment filed on 11/28/2006 wherein necessitated the new ground(s) of rejection. Further, Applicant's arguments filed on 11/28/2006 and 07/23/2007 with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### *Response to Amendment*

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3** are rejected under 35 U.S.C. 102(b) as being anticipated by **Moers (US Patent 6957053)**.

Consider **claim 1**, Moers discloses method of auto-tuning a radio FM-receiver (abstract) by scanning the receiver frequency band (column 4 lines 23-41) until a FM signal is received meeting criteria (column 4 line 66-column 5 line 5) for identifying the signal as being of a predetermined quality (predetermined threshold level qt), particularly coming from a valid FM station (column 4 lines 23-41), wherein at least

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during tuning it is established whether or not the FM signal meets the criteria, whereafter the FM signal is tested predetermined number of times, and information denoting a frequency of the FM signal is only stored (column 4 lines 23-41) if the criteria are met a majority of the times (column 5 lines 25-44, column 6 lines 29-50, the detected signal is stored by meeting the permanency factor  $px=1$ , in other words the quality of the detected signal is above the threshold level  $qt$  two out of three times).

Consider **claim 2, as applied to claim 1**, Moers discloses that the results are read 10 times and the information denoting a frequency of the FM signal is only stored if at least 8 times thereof the criteria are met (column 7 lines 37-38, the invention is not restricted to the embodiments described above, the number of subsequent scans could be set to 10 times, and the permanency factor  $px$  threshold could be set to 8).

Consider **claim 3**, Moers discloses an auto tuning device (abstract, figure 1) comprising: means for registering whether or not a FM signal (column 4 lines 23-41), received in a radio FM receiver (column 4 lines 23-41), meets criteria (column 4 line 66- column 5 line 5) for identifying the signal as being of a predetermined quality (predetermined threshold level  $qt$ ), particularly coming from a valid FM station (column 4 lines 23-41), counting means (column 5 lines 25-44, counted for a total of three times, i.e. the detected signal upon the initial scan is tested for two more times) for registering in an interval of a predetermined number of times that is registered whether or not the FM signal meets the criteria (column 5 lines 25-44), the number of times the FM signal meets the criteria, and means (column 4 lines 23-41) for storing information denoting a frequency of the FM signal only if the criteria are met a majority of the times (column 5

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lines 25-44, column 6 lines 29-50, the detected signal is stored by meeting the permanency factor  $px=1$ , in other words the quality of the detected signal is above the threshold level  $qt$  two out of three times).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to  
Customer Service Window

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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RuiMeng Hu  
R.H./rh  
October 26, 2007

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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